

**SUPREME COURT MINUTES
WEDNESDAY, JUNE 28, 2006
SAN FRANCISCO, CALIFORNIA**

S127344 E034242 Fourth Appellate District, Div. 2 **PEOPLE v. CAGE**

Supplemental briefing ordered. The parties may submit supplemental briefs addressing the effect, if any, of *Davis v. Washington*, 05-5224, and *Hammon v. Indiana*, 05-5705 (June 19, 2006) ___ U.S. ___ [2006 WL 1667285] on the issues presented by this case. Briefs shall be in simultaneous letter form. The parties are directed to file simultaneous briefs on or before July 18, 2006. Simultaneous response briefs may be filed on or before July 28, 2006.

S135263 A107686 First Appellate District, Div. 4 **P. (JAIME), IN RE**

Supplemental briefing ordered. Respondent and appellant are hereby directed to submit supplemental letter briefs discussing the relevance of *Samson v. California* __ US __ (2006 WL 1666974) to the issues in this case, and particularly the continued vitality of *In re Tyrell J.* (1994) 8 Cal.4th 68. The parties are directed to file simultaneous supplemental briefs on or before July 14, 2006. Simultaneous reply briefs are due on or before July 31, 2006.

S142892 D045438 Fourth Appellate District, Div. 1 **NORTH COAST WOMENS CARE
MEDICAL GROUP v. S.C. (BENITEZ)**

Issues ordered limited. The parties are directed to limit their briefing and argument to the following issue: Does a physician have a constitutional right to refuse on religious grounds to perform a medical procedure for a patient because of the patient's sexual orientation? (Cal. Rules of Court, rule 29(a)(1).)

S134173 C034960 Third Appellate District **PEOPLE v. VO**

Dismissed per rule 29.3(b), and remanded to CA 3. In light of the decision in *People v. Shabazz* (2006) 38 Cal.4th 55, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 29.3(b).)
Votes: George, C.J., Kennard, Baxter, Werdegard, Chin, Moreno, and Corrigan, JJ.

S090230 **CARTER (DEAN P.) ON H.C.**

Petition for writ of habeas corpus denied - (AA)

The petition for a writ of habeas corpus, filed July 24, 2000, is denied as follows: Claim I is denied on the merits. Claim II is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is procedurally barred under *In re Waltreus* (1965) 62 Cal.2d 218, 225. To the extent the claim is based upon the record and was not raised on appeal, it could and should have been raised on appeal and hence is barred under *In re Dixon* (1953) 41 Cal.2d 756, 759. Claims III and IV are denied on the merits. Claims V and VI are denied on the merits. To the extent these claims reassert issues raised and rejected on appeal, they are procedurally barred under *In re Waltreus, supra*, 62 Cal.2d 218, 225. To the extent these claims are based upon the record and were not raised on appeal, they could and should have been raised on appeal and hence are barred under *In re Dixon, supra*, 41 Cal.2d 756, 759. Claims VII, VIII, IX, X, XI, and XII are denied on the merits.

S096874**CARTER (DEAN P.) ON H.C.**

Petition for writ of habeas corpus denied - (AA)

The petition for a writ of habeas corpus, filed July 24, 2000, is denied, as follows: Claim I is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is procedurally barred under *In re Waltreus* (1965) 62 Cal.2d 218, 225. To the extent the claim is based upon the record and was not raised on appeal, it could and should have been raised on appeal and hence is barred under *In re Dixon* (1953) 41 Cal.2d 756, 759. Claims II and III are denied on the merits. Claim IV is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is procedurally barred under *In re Waltreus, supra*, 62 Cal.2d 218, 225. Claim V is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is procedurally barred under *In re Waltreus, supra*, 62 Cal.2d 218, 225. To the extent this claim is based upon the record and was not raised on appeal, it could and should have been raised on appeal and hence is barred under *In re Dixon, supra*, 41 Cal.2d 756, 759. Claim VI is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is procedurally barred under *In re Waltreus, supra*, 62 Cal.2d 218, 225. To the extent this claim is based upon the record and was not raised on appeal, it could and should have been raised on appeal and hence is barred under *In re Dixon, supra*, 41 Cal.2d 756, 759. To the extent this claim asserts a violation of petitioner's rights under the Fourth Amendment, it is not cognizable on habeas corpus. *In re Harris* (1993) 5 Cal.4th 813, 830; see also *In re Clark* (1993) 5 Cal.4th 750, 767 (*Clark*); *In re Sterling* (1965) 63 Cal.2d 486, 487-488; *In re Lessard* (1965) 62 Cal.2d 497, 503.) Claim VII is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is procedurally barred under *In re Waltreus, supra*, 62 Cal.2d 218, 225. To the extent this claim asserts a violation of petitioner's rights under the Fourth Amendment, it is not cognizable on habeas corpus. (*In re Harris, supra*, 5 Cal.4th at p. 830; see also *Clark, supra*, 5 Cal.4th at p. 767; *Sterling, supra*, 63 Cal.2d at pp. 487-488; *Lessard, supra*, 62 Cal.2d at p. 503.) Claim VIII is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is procedurally barred under *In re Waltreus, supra*, 62 Cal.2d 218, 225. To the extent this claim is based upon the record and was not raised on appeal, it could and should have been raised on appeal and hence is barred under *In re Dixon, supra*, 41 Cal.2d 756, 759. Claims IX, X, XI, XII, and XIII are denied on the merits.

S129115**KIPP (MARTIN JAMES) ON H.C.**

Petition for writ of habeas corpus denied - (AA)

The petition for writ of habeas corpus filed on November 5, 2004, is denied. Insofar as it asserts that petitioner is incompetent for execution, claim G is dismissed as premature. (See *People v. Lawley* (2002) 27 Cal.4th 102, 169, fn. 25; *People v. Kelly* (1992) 1 Cal.4th 495, 545, fn. 11.) With that one exception, each claim is denied on the merits for failure to state a prima facie case for relief. Except insofar as they allege ineffective assistance of prior appellate or habeas corpus counsel, claims A through E and J are also denied as repetitive of claims made in a previous petition for writ of habeas corpus. (*In re Miller* (1941) 17 Cal.2d 734, 735.) Except insofar as they allege ineffective assistance of trial or appellate counsel, claims A, B, C (except insofar as it alleges prosecutorial misconduct in presenting the testimony of David Sugiyama), D, and E are barred because, being based entirely on facts in the appellate record, they could have been, but were not, raised on appeal. (See *In re Harris, supra*, 5 Cal.4th at p. 825, fn. 3; *In re Dixon* (1953) 41 Cal.2d 756, 759.) Claim B, alleging insufficiency of the evidence, is not cognizable on habeas corpus. (*In re Lindley* (1947) 29 Cal.2d 709, 723.) Except insofar as they allege ineffective assistance of prior habeas corpus counsel, Claims A through E and J are denied as untimely. (*In re Robbins* (1998) 18 Cal.4th 770, 780-781; *In re Clark* (1993) 5 Cal.4th 750, 763-799.)

S142665 B184370 Second Appellate District, Div. 6 **MOKHTARI-SHARGHI v.
TRUSTEES OF THE CA STATE
UNIVERSITY**

Petition for review & publication request denied.

S142687 H028605 Sixth Appellate District **KILGORE (MOLLY MAE) ON H.C.**
Petition for review denied.

S142717 B185265/B027929 Second Appellate District, Div. 6 **ALCOX (JOEL) ON H.C.**
Petition for review denied.

S142770 A113151 First Appellate District, Div. 2 **HOLMAN (XAVIER) ON H.C.**
Petition for review denied.

S142772 A113373 First Appellate District, Div. 4 **NIKOOSERESHT (RAMIN) ON H.C.**
Petition for review denied.

S142782 A113436 First Appellate District, Div. 3 **WALKER (JEFFERSON D.) ON H.C.**
Petition for review denied.

S142840 A112994 First Appellate District, Div. 2 **KLER (KULDIP) ON H.C.**
Petition for review denied.

S142851 B189606 Second Appellate District, Div. 6 **CABRERA (SERGIO) ON H.C.**
Petition for review denied.

S142856 C052250 Third Appellate District **OLSON (LLOYD RALPH) ON H.C.**
Petition for review denied.
Kennard, J., is of the opinion the petition should be granted and transferred to the Court of Appeal.

S142860 B188898 Second Appellate District, Div. 2 **BROASTER (ASHLEY) ON H.C.**
Petition for review denied.

S142891 F046608 Fifth Appellate District **O. (ENRIQUE), IN RE**
Petition for review denied.
Baxter, J., was recused and did not participate.

S142925 E036695 Fourth Appellate District, Div. 2 **PEOPLE v. BOMMARITO (KAREN)**
Petition for review denied.

S142933 F044630 Fifth Appellate District **CARR BUSINESS ENTERPRISES v.**
CHOWCHILLA, CITY OF
Petition for review denied.

S142939 B189994 Second Appellate District, Div. 1 **DANIEL (DEMETRIUS) v. DEPT.**
OF CORRECTIONS &
REHABILITATION
Petition for review denied.

S142941 B181646 Second Appellate District, Div. 7 **PEOPLE v. CASARES (HENRY)**
Petition for review denied.

S142965 E038539 Fourth Appellate District, Div. 2 **PEOPLE v. LEVELS (MARK A.)**
Petition for review denied.
Kennard, J., is of the opinion the petition should be granted.

S142972 C048154 Third Appellate District **PEOPLE v. CLARK (JUSTIN T.)**
Petition for review denied.

S142983 G036703 Fourth Appellate District, Div. 3 **JOHNSON v. S.C. (PEOPLE)**
Petition for review denied.

S142989 E039871 Fourth Appellate District, Div. 2 **STILES v. S.C. (HUMPHRIES)**
Petition for review denied.

S142995 B175147 Second Appellate District, Div. 6 **PEOPLE v. JANTZ (ROGER W.)**
Petition for review denied.

S143005 B173836 Second Appellate District, Div. 4 **PEOPLE v. ORTEGA (JUAN M.)**
Petition for review denied.

S143020 G036642 Fourth Appellate District, Div. 3 **FIDELITY NATIONAL TITLE v.**
CASTLEVIEW HOME LOANS
Petition for review denied.

S143038 B179430 Second Appellate District, Div. 4 **PEOPLE v. LOPEZ (JUAN F.)**
Petition for review denied. Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

S143051 D046331 Fourth Appellate District, Div. 1 **DELOZANO, MARRIAGE OF**
Petition for review denied.

S143053 D045751 Fourth Appellate District, Div. 1 **KUPERMAN v. ASSESSMENT
APPEALS BOARD NO. 1 SAN
DIEGO COUNTY**

Petition for review denied.

S143060 A111888 First Appellate District, Div. 4 **CALIFORNIA STATE
AUTOMOBILE ASSOCIATION v.
W.C.A.B. (HESTEHAUGE)**

Petition for review denied. Request for judicial notice granted.

S143065 E036797 Fourth Appellate District, Div. 2 **PEOPLE v. ROGERS (JAMES L.)**
Petitions for review denied.

S143075 C049427 Third Appellate District **PEOPLE v. STAGGS (ROBERT E.)**
Petition for review denied.

S143079 F046746 Fifth Appellate District **PEOPLE v. GURLEY (CHARLES)**
Petition for review denied.

S143080 B184577 Second Appellate District, Div. 6 **MILLER v. SCHNEIDER (ADRIA)**
Petition for review denied.
Corrigan, J., was recused and did not participate.

S143095 B186830/B183710 Second Appellate District, Div. 3 **PEOPLE v. FERGUSON (JIM)**
Petition for review denied.

S143104 A113469 First Appellate District, Div. 2 **CURRIE (PAUL CHARLES) ON H.C.**
Petition for review denied.

S143107 F049161 Fifth Appellate District

**TWEDT (BRIAN) et al. v. MAGILL
(LAURA M. GUZMAN) et al.**

Petition for review denied.
Baxter, J., was recused and did not participate.

S143136 F046889 Fifth Appellate District
Petition for review denied.

PEOPLE v. JURADO (JOSE)

S143167 G034109 Fourth Appellate District, Div. 3
Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

PEOPLE v. JENNINGS (GLORIA)

S143189 B178411 Second Appellate District, Div. 3
Petition for review denied.

**SIMPSON (GENE) v. BARAK
(RONALD S.)**

S143192 C052346 Third Appellate District
Petition for review denied.

RICO (ALFRED A.) ON H.C.

S143217 B188652 Second Appellate District, Div. 1
Petition for review denied.

**ROUP (HERMAN S.) v. S.C. (TAG-
PACIFIC, INC.)**

S143242 B178428 Second Appellate District, Div. 4
Petition for review denied.

**HARRIS (TOBY)v. INVESTOR'S
BUSINESS DAILY, INC.**

S143256 B190499 Second Appellate District, Div. 3
Petition for review denied.

LOMAS (STEVE) ON H.C.

S143295 D046309 Fourth Appellate District, Div. 1
Petitions for review denied.

**IRWIN (DEAN) v. JENKENS &
GILCHRIST, LLP**

S143298 C048410 Third Appellate District
Petition for review denied.
Kennard, J., is of the opinion the petition should be granted.

PEOPLE v. SEVERANCE (VICTOR L.)

- S143321** D045247 Fourth Appellate District, Div. 1 **THORNBURG (PATIENCE) v. S.C.**
Petition for review denied. **(BACTES IMAGING SOLUTIONS, INC.)**
- S143322** G034988 Fourth Appellate District, Div. 3 **PEOPLE v. NAJERA (ABIMAE F.)**
Petition for review denied.
Kennard, J., is of the opinion the petition should be granted.
- S143363** E039919 Fourth Appellate District, Div. 2 **ZENITH INSURANCE v. W.C.A.B.**
Petition for review denied. **(ELLIS, GEORGE D. III 1)**
- S143373** G037017 Fourth Appellate District, Div. 3 **MCMAHON (ARNOLD) et al. v.**
Petition for review and application for stay denied. **S.C. (PETERS & FREEDMAN LLP)**
- S143394** A113076 First Appellate District, Div. 4 **ACASIO (LOURDES) v. W.C.A.B.**
Petition for review denied. **(GUTTARD CHOCOLATE) et al.**
- S143396** B183127 Second Appellate District, Div. 6 **KURRUS (ELIZABETH),**
Petition for review denied. **CONSERVATORSHIP OF**
- S143398** B188895 Second Appellate District, Div. 6 **GLEGHORN (KELSEY DRU) ON H.C.**
Petition for review denied.
- S143400** G035450 Fourth Appellate District, Div. 3 **SUN HAVEN CARE v. LEXINGTON**
Petition for review denied. **INSURANCE COMPANY**
- S143401** B178147 Second Appellate District, Div. 2 **BACON (MICHAEL) v. RENARD**
Petition for review denied. **(JEROME)**
- S143432** G035728 Fourth Appellate District, Div. 3 **JONES (RIMA) v. KERR (NELSON)**
Petition for review denied.

S143442	B175987 Second Appellate District, Div. 4	PEOPLE v. JAKE (TONY)
Petition for review denied.		
S143449	H028119 Sixth Appellate District	SANTA CLARA COUNTY DEPT. OF CHILD SUPPORT SERV. v. NADASDY (STEPHEN)
Petition for review denied.		
S143497	E036288 Fourth Appellate District, Div. 2	GRAY (CHRISTOPHER) v. COUNTY OF RIVERSIDE et al.
Petition for review and application for stay denied.		
S143504	B186078 Second Appellate District, Div. 3	REGAN (MICHAEL) v. OFFICE OF ADMINISTRATIVE HEARINGS (LAUSD)
Petition for review denied.		
S143532	G035302 Fourth Appellate District, Div. 3	TAKKESH v. PAYLESS SHOESOURCE
Petition for review denied.		
S143540	B183980 Second Appellate District, Div. 8	KLAZ (SHELLEY P.) v. KLAZ (GERALD)
Petition for review denied.		
S143549	B176724 Second Appellate District, Div. 3	NAJM (SHAMS Q.) v. S.C. LA COUNTY
Petition for review denied. Request for judicial notice denied.		
S143555	D048581 Fourth Appellate District, Div. 1	PEOPLE v. S.C. (MARTINEZ)
Petition for review denied.		
S143556	C052526 Third Appellate District	CURRIE (PAUL C.) ON H.C.
Petition for review denied.		
S143558	F047860 Fifth Appellate District	PEOPLE v. MCKENZIE (MARK E.)
Petition for review denied.		
S143562	A110712 First Appellate District, Div. 1	PEOPLE v. GRECIAN (CHARLES L.)
Petition for review denied.		

S143570 C049305 Third Appellate District **PEOPLE v. SAUNDERS (EDWARD)**
Petition for review denied.

S143574 B183767 Second Appellate District, Div. 1 **PEOPLE v. ANDERSON (SAMUEL)**
Petition for review denied.

S143576 A112273 First Appellate District, Div. 5 **OKORO (SYLVESTER) v. CITY OF OAKLAND et al.**
Application to transfer denied.

S143596 A109470 First Appellate District, Div. 4 **PEOPLE v. HART (PETER I.)**
Petition for review denied.

S143597 B180632 Second Appellate District, Div. 4 **PEOPLE v. SALLAM (FARDEN M.)**
Petition for review denied.

S143603 E038221 Fourth Appellate District, Div. 2 **PEOPLE v. WILSON (RICKY)**
Petition for review denied.

S143606 G033870 Fourth Appellate District, Div. 3 **PEOPLE v. JOHNSON (ANTHONY)**
Petition for review denied.

S143616 B183256 Second Appellate District, Div. 4 **PEOPLE v. MILLAN (FERNANDO)**
Petition for review denied. Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

S143620 B182209 Second Appellate District, Div. 3 **PEOPLE v. AYALA (MIGUEL)**
Petition for review denied.

S143630 G035085 Fourth Appellate District, Div. 3 **PEOPLE v. OCHOA (OSCAR J.)**
Petition for review denied.

S143643 B186463 Second Appellate District, Div. 1 **PEOPLE v. MORRISETT (STEVEN)**
Petition for review denied.

S143646 B184125 Second Appellate District, Div. 3 **PEOPLE v. BOCHICCHIO (BILL)**
Petition for review denied.

S143664 F047043 Fifth Appellate District **PEOPLE v. WARSINGER (DONAL V.)**
Petition for review denied.

S143679 E039629 Fourth Appellate District, Div. 2 **V. (A.), IN RE**
Petition for review denied.

S143687 D046471 Fourth Appellate District, Div. 1 **WASHINGTON (PAT) v. TRUSTEES
OF CALIFORNIA STATE
UNIVERSITY AND COLLEGES**

Petition for review denied.

S143688 B178997 Second Appellate District, Div. 3 **KAISER INTERNATIONAL
CORPORATION v. HEARING
BOARD (EXECUTIVE OFFICER)**

Petition for review & publication request denied.

S143690 A113330 First Appellate District, Div. 4 **FLORES (ERLINDA) v. SAFEWAY**
Petition for review denied.

S143694 F049095 Fifth Appellate District **R. (OSWALDO), IN RE**
Petition for review denied.

S143700 C049128 Third Appellate District **PEOPLE v. GLASS (VONZELL R.)**
Petition for review denied.

S143706 A111159 First Appellate District, Div. 1 **K. (DIONTE), IN RE**
Petition for review denied

S143714 B182922 Second Appellate District, Div. 5 **PEOPLE v. NASH (VERNON)**
Petition for review denied.

S143724 B178102 Second Appellate District, Div. 3 **P. (JERRY), IN RE**
Petition for review denied.

S143731 H028078 Sixth Appellate District
Petition for review denied.

PEOPLE v. GORDON (BRUCE)

S143733 F045563/F046045 Fifth Appellate District

Petition for review denied.

**ENGLERT (DAVID) v. SIERRA
FOOTHILLS PUBLIC UTILITY
DISTRICT**

S143737 C047244 Third Appellate District
Petition for review denied.

PEOPLE v. HUDSON (DEONDRE)

S143741 H027959 Sixth Appellate District

Petition for review denied.

**PEOPLE v. RODRIGUEZ
(FLORENCIO)**

S143744 F047436 Fifth Appellate District

Petition for review denied.

**MOSLEY (CAROLYN) v. HUDNER
(PHILIP)**

S143753 A108151 First Appellate District, Div. 3

Petition for review denied.

**SAN MATEO COUNTY FIRE
FIGHTERS v. SOUTH COUNTY
FIRE PROTECTION AUTHORITY**

S143754 A110865 First Appellate District, Div. 3

Petition for review denied.

**COVARRUBIAS (LANCE) v.
HANSEN (DONNA) et al.**

S143755 B186140 Second Appellate District, Div. 3

Petition for review denied.

**MID-CENTURY INSURANCE CO. v.
S.C. (BENDEK)**

S143758 B190790 Second Appellate District, Div. 3

Petition for review denied.

**LATINOWIDE INSURANCE v. S.C.
(ICOLA)**

S143761 B184881 Second Appellate District, Div. 4
Petition for review denied.
Baxter, J., was recused and did not participate.

E. (M.), IN RE

- S143762** B176315 Second Appellate District, Div. 6 **M & M GLASS ENTERPRISES v. RONALD B. TISCHLER**
Petition for review denied.
- S143783** D046125 Fourth Appellate District, Div. 1 **HEINZ (BETTINA) v. SOMMER (ERVIN)**
Petition for review denied.
- S143795** B189396 Second Appellate District, Div. 6 **CHAPARRAL CONSTRUCTION & DEVELOPMENT v. W.C.A.B (BIRGES)**
Petition for review denied.
- S143839** F047969 Fifth Appellate District **PEOPLE v. LEONARD (TIMOTHY)**
Petition for review denied.
- S143840** B186921 Second Appellate District, Div. 6 **PEOPLE v. FERRALL (GREGORY)**
Petition for review denied.
- S143846** B184872 Second Appellate District, Div. 1 **R. (JOEL), IN RE**
Petition for review denied.
- S144100** A113944 First Appellate District, Div. 5 **WARD v. S.C. (KAISER FOUNDATION HOSPITAL)**
Petition for review and application for stay denied.
Werdegar, J., was recused and did not participate.
- S144296** **DELOACH (WILLIAM S.) v. OHLRICH (FREDERICK K.)**
Petition for writ of mandate/prohibition denied.
- S144411** E040318 Fourth Appellate District, Div. 2 **CALIFORNIA LUTHERAN H.S. ASSOC. v. S.C. (DOE) MOTHER**
Petition for review and application for stay denied.
- S144416** B191373 Second Appellate District, Div. 5 **LEATHERMAN TOOL GROUP, INC. v. S.C. (COLGAN) et al.**
Petition for review and application for stay denied.
- S144623** B191602 Second Appellate District, Div. 7 **HOME DEPOT v. S.C. (FERGUSON)**
Petition for review and application for stay denied.
Chin and Corrigan, J.J., were recused and did not participate.

S128880

Petition for writ of habeas corpus denied.

MILES (GUY D.) ON H.C.**S135708**

Petition for writ of habeas corpus denied.

LOPES (TY ERIK) ON H.C.**S135932**

Petition for writ of habeas corpus denied.

PESCADOR (MARTIN) ON H.C.**S136132**

Petition for writ of habeas corpus denied.

DAVIS (CHARLES T.) ON H.C.**S136150**

Petition for writ of habeas corpus denied.

SHANNON (JAMES W.) ON H.C.**S136418**

Petition for writ of habeas corpus denied.

ALVAREZ (ANTHONY) ON H.C.**S136422**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 00, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

RANSOM (BRYAN E.) ON H.C.**S136472**

Petition for writ of habeas corpus denied.

GALVAN (BENJAMIN) ON H.C.**S136478**

Petition for writ of habeas corpus denied.
Corrigan, J., was recused and did not participate.

ALSTON (BARNETT R.) ON H.C.**S136504**

Petition for writ of habeas corpus denied.

CLARK (CHESTER L.) ON H.C.**S136526**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750.)

WASHINGTON (JAMES) ON H.C.**S136724**

Petition for writ of habeas corpus denied. (See *In re Rosenkrantz* (2002) 29 Cal.4th 616; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

ESTRADA (DONATO) ON H.C.

S136725**ESTRADA (DONATO) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Dannenberg* (2005) 34 Cal.4th 1061, *In re Rosenkrantz* (2002) 29 Cal.4th 616; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S136746**JACKSON (DWAYNE D.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S136769**BARNETT (DELBERT R.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Lindley* (1947) 29 Cal.2d 709.)

S136782**FITZHUGH (KENNETH C.) ON H.C.**

Petition for writ of habeas corpus denied.

S136810**HARRIS (MILTON D.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S136881**BENITEZ (MARTIN N.) ON H.C.**

Petition for writ of habeas corpus denied (See *In re Rosenkrantz* (2002) 29 Cal.4th 616, 658; *In re Dannenberg* (2005) 34 Cal.4th 1061, 1084, 1087.)

S136909**BRITT (DOUGLAS) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

S137008**MENDIAS (CARLOS) ON H.C.**

Petition for writ of habeas corpus denied.

S137040**WELCH (EUGENE) ON H.C.**

Petition for writ of habeas corpus denied.

S137070**CHARLES (FRANK) ON H.C.**

Petition for writ of habeas corpus denied.

S137111

Petition for writ of habeas corpus denied.

SIMMONS (CHRISTOPHER I.) ON H.C.**S137117**

Petition for writ of habeas corpus denied.

JAMISON (STANLEY) ON H.C.**S137125**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Hall* (1981) 30 Cal.3d 408, 423.)
Werdegar, J., and Chin, J., were recused and did not participate.

CIRIA (JOAQUIN) ON H.C.**S137138**

Petition for writ of habeas corpus denied.

SINGLETON (ANTRON) ON H.C.**S137148**

Petition for writ of habeas corpus denied.

JENKINS (ALLEN) ON H.C.**S137159**

Petition for writ of habeas corpus denied.

TOBIAS (WILLIE J.) ON H.C.**S137207**

Petition for writ of habeas corpus denied.

ACOSTA (ADRIAN D.) ON H.C.**S137247**

Petition for writ of habeas corpus denied.

WOODCOCK (MICHAEL J.) ON H.C.**S137254**

Petition for writ of habeas corpus denied.

SHEPARD (ANGELA) ON H.C.**S137256**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

HIGHTOWER (CHRISTOPHER) ON H.C.**S137260**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218.)

WHITE (GERALD B.) ON H.C.

S137266**BENDA (ELDEN) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Rosenkrantz* (2002) 29 Cal.4th 616; *In re Dannenberg* (2005) 34 Cal.4th 1061.)

S137277**JACKSON (WILKS) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Rosenkrantz* (2002) 29 Cal.4th 616; *In re Dixon* (1953) 41 Cal.2d 756; *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

S137281**RATLIFF (DE'VERON J.) ON H.C.**

Petition for writ of habeas corpus denied.

S137282**ESTRADA (EDWARD) ON H.C.**

Petition for writ of habeas corpus denied.

S137284**CASTRO (ANDRES J.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S137285**HILL (CAREN) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)

S137287**EDWARDS (RICHARD L.) ON H.C.**

Petition for writ of habeas corpus denied.

S137304**CLEMANS (CHARLES T.) ON H.C.**

Petition for writ of habeas corpus denied.

S137309**WILLIAMS (STEVEN G.) ON H.C.**

Petition for writ of habeas corpus denied.

S137310**WALKER (ANDREW F.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S137327**PARKER (FRANCIS A.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Hall* (1981) 30 Cal.3d 408, 423.)

S137342

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

RAMSDEN (JON) ON H.C.**S137344**

Petition for writ of habeas corpus denied.

SINGLETON (CHARLES) ON H.C.**S137352**

Petition for writ of habeas corpus denied.

HARLAN (FRANK) ON H.C.**S137376**

Petition for writ of habeas corpus denied.

PETERSON (STANLEY) ON H.C.**S137377**

Petition for writ of habeas corpus denied.

WALKER (HENRY) ON H.C.**S137423**

Petition for writ of habeas corpus denied.

CACAU (VIOREL) ON H.C.**S137426**

Petition for writ of habeas corpus denied.

WILLIAMS (LARRY) ON H.C.**S137428**

Petition for writ of habeas corpus denied.

CLEMANS (CHARLES T.) ON H.C.**S137748**

Petition for writ of habeas corpus denied.

WELCH (EUGENE E.) ON H.C.**S139267**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750.)

JACKSON (DWAYNE D.) ON H.C.**S140391**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750.)

ALVAREZ (ANGEL J.) ON H.C.**S141001**

Petition for writ of habeas corpus denied.

MIRANDA (RICARDO) ON H.C.

S141251

Petition for writ of habeas corpus denied.

CLEMANS (CHARLES T.) ON H.C.**S141750**

Petition for writ of habeas corpus denied.

CLEMANS (CHARLES T.) ON H.C.**S142915**

Petition for writ of habeas corpus denied.

WELCH (EUGENE E.) ON H.C.**S143024**

Petition for writ of habeas corpus denied.

WELCH (EUGENE E.) ON H.C.**S143417**Petition for writ of habeas corpus denied. (See *In re Dixon* (1953) 41 Cal.2d 756; *In re Waltreus* (1965) 62 Cal.2d 218.)**MULLER (HENRY) ON H.C.****S143479**

Petition for writ of habeas corpus denied.

WELCH (EUGENE E.) ON H.C.**S143535**Petition for writ of habeas corpus denied. (See *In re Miller* (1941) 17 Cal.2d 734.)**DRAKE (DEAN) ON H.C.****S143721**

Petition for writ of habeas corpus denied.

NAB (RANDY D.) ON H.C.**S143817**

Petition for writ of habeas corpus denied.

WILLIAMS (HENRY C.) ON H.C.**S143939**Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)**SMITH (TOM) ON H.C.****S144240**Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750.)**WELCH (EUGENE E.) ON H.C.****S144307**Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Dixon* (1953) 41 Cal.2d 756.)**ROBINSON (LEHMAN) ON H.C.**

S144329

Petition for writ of habeas corpus denied.

HARDNEY (JOHN) ON H.C.**S144354**Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)**MILLS (KENNETH) ON H.C.****S142268**

G033685 Fourth Appellate District, Div. 3

Publication request denied (case closed).

**GESTEMANI BOLIA-SCHUTT v.
CEDAR FAIR, L.P. et al.****S142839**

A109642 First Appellate District, Div. 5

Publication request denied (case closed).

**CONTINENTAL INSURANCE
COMPANY v. AMERICAN EQUITY
INSURANCE COMPANY****S142976**

A106588 First Appellate District, Div. 2

Publication request denied (case closed).

PEOPLE v. RANGER INS. CO.**S143286**

B178027 Second Appellate District, Div. 1

Publication request denied (case closed).

AZIRIAN (MISSAK) v. MA (OLIVER)**S143561**

A106426 First Appellate District, Div. 3

Depublication request denied (case closed).

**LINCOLN PROPERTY CO. N.C., INC.
v. TRAVELERS INDEMNITY CO.****S143692**

Extension of time granted. On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file respondent's informal response is extended to July 27, 2006.

MILLER (DAREN) ON H.C.**S081700**

Counsel appointment order filed. Upon request of appellant for appointment of counsel, Barry M. Karl is hereby appointed to represent appellant Willie Leo Harris for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

PEOPLE v. HARRIS (WILLIE)**S076334**

Record augmentation denied. Appellant's "Motion to Augment and Complete the Record on Appeal" is denied.

PEOPLE v. ARISMAN (DAVID W.)

S027094**PEOPLE v. ELLIOT (MARCHAND)**

Motion denied. Appellant's "Second Motion to Extend Deadline to File Appellant's Opening Brief Based on Good Cause," filed on May 5, 2006, is denied. Counsel for appellant is ordered to file appellant's opening brief on or before September 12, 2006. If the brief is not filed by that date, the Court will consider the issuance of an order directing counsel to show cause before this court, when the matter is ordered on calendar, why he should not be held in contempt of court and further payments suspended or other sanction imposed for the delay in the appellate process occasioned by the six extensions of time to file the brief thus far granted.

S040704**PEOPLE v. JOHNSEN (BRIAN D.)**

Order filed. Counsel for appellant, Richard P. Stookey, is ordered to file appellant's opening brief on or before September 26, 2006. If the brief is not filed by that date, the Court will consider the issuance of an order directing counsel to show cause before this court, when the matter is ordered on calendar, why he should not be held in contempt of court and further payments suspended or other sanction imposed for the delay in the appellate process occasioned by the 18 extensions of time to file the brief thus far granted and the two-year period of default existing since the court's denial of counsel's 19th request for extension of time to file the brief. Respondent's motion for an order directing counsel for appellant to file the opening brief within 30 days is denied without prejudice.

S058537**PEOPLE v. COLLINS (SCOTT F.)**

Order filed. Appellant's "Application to File Supplemental Respondent's Brief and Oversized Supplemental Respondent's Brief" is granted.

S139133

A107711 First Appellate District, Div. 4

MIKLOSY (LES) v. U.C. REGENTS

Order filed. Appellants' "Motion to Augment Record on Appeal and/or for Judicial Notice," filed in this court on June 2, 2006, is granted in part. The court takes judicial notice of Senate Bill 165 (2005-2006 Reg. Sess.) as amended in the Senate January 4, 2006. In all other respects, the motion is denied.

S144653**PARTRIDGE (DANIEL) v. S.C.
(RICHMOND, CITY OF)**

Transferred to CA 1 for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

B187043 Court of Appeal, Second Appellate District, Division 1 **PEOPLE v. ORTIZ (MARVIN R.)**

The time for granting review on the court's own motion is hereby extended to July 29, 2006. (Cal. Rules of Court, rule 28.2(c).)

